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FM AMEMBASSY HARARE
TO RUEHC/SECSTATE WASHDC 4650
RUCNSAD/SOUTHERN AF DEVELOPMENT COMMUNITY COLLECTIVE
RUEHUJA/AMEMBASSY ABUJA 2331
RUEHAR/AMEMBASSY ACCRA 2911
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RUEHDK/AMEMBASSY DAKAR 2660
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SENSITIVE
SIPDIS

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DRL FOR N. WILETT
ADDIS ABABA FOR USAU
ADDIS ABABA FOR ACSS
NSC FOR SENIOR AFRICA DIRECTOR M. GAVIN
STATE PASS TO USAID FOR L.DOBBS AND E.LOKEN

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SUBJECT: ANOTHER MDC MP CONVICTED

SUMMARY

1. (SBU) In a growing pattern of criminal conviction of MDC Members of Parliament (MPs), Shua Mudiwa MP for Mutare West (which includes the Chiadzwa diamond fields) was convicted on kidnapping charges on June 20. Mudiwa remains in custody awaiting a potential life sentence on June 27. He denies the charges and plans to appeal the conviction. Mudiwa is the third MDC-T MP convicted in the last six months. END SUMMARY.

Mudiwa's Kidnapping Charges Instigated by Zanu-PF

2. (SBU) The charges against Mudiwa were first raised during the election campaign period in 2007. It was alleged that he had kidnapped a 12-year-old girl and kept her locked in a house for three days. The police, finding no evidence of wrong doing, released Mudiwa and the case remained dormant until June 2008 when the charges were revived.

3. (SBU) Mudiwa's lawyer and fellow MDC-T MP Douglas Mwonzora told us that the charges against Mudiwa are politically motivated and are engineered by ZANU-PF. He said that in 2007 and after the police refused to investigate, Christopher Mushohwe, the ZANU-PF parliamentary candidate for the same seat, took the complainant to his rallies where she narrated her 'kidnapping ordeal.' Mushohwe still lost the election to Mudiwa and the High Court subsequently dismissed his petition to set aside the election result. Once he lost the petition he influenced the ZANU-PF-aligned Attorney General (AG) Tomana to prosecute Mudiwa in hopes of recapturing the seat if a by-election was ordered.

Mudiwa Police Witnesses Prevented from Testifying

¶4. (SBU) The two police officers Mudiwa was with at the time of the alleged kidnapping and who initially exonerated him were later transferred to an unknown post before trial and were unavailable to give evidence on behalf of Mudiwa. Mwonzora said that the police refused to tell him where the officers were transferred. Had the two police officers testified Mudiwa could have been acquitted.

¶5. (SBU) Mwonzora told us that it was clear that Mushohwe, a senior Zanu-PF member and Governor for Manicaland was behind the transfer of the police officers to ensure Mudiwa was convicted in hopes that a by-election would be won by Zanu-PF.

¶6. (SBU) In a move viewed by Mudiwa's lawyers as evidence of Zanu-PF interference and manipulation, Magistrate Hlekani Mwayera was promoted to Acting Chief Magistrate following her handling of the case. She was transferred to Harare. Mwonzora said that the promotion was payback for her role in convicting Mudiwa on dubious evidence.

Mudiwa denied clothing in Remand Prison

¶7. (SBU) While Mudiwa awaits sentencing on June 27, he remains

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in the Mutare remand prison. This is the same dirty facility where MDC-T official Roy Bennett was jailed earlier this year. We spoke to fellow MDC-T MP for Makoni South Pishai Muchauraya who told us that for several days the remand prison authorities denied Mudiwa proper clothing. Instead they gave him a piece of a dirty blanket which he wrapped around his body all day. Muchauraya said Mudiwa was depressed and demoralized.

MDC Parliamentary Majority Threatened

¶8. (SBU) The MDC's majority in Parliament is in danger of being upset by Zanu-PF's strategy of engineering criminal convictions. To date three MDC MPs have been convicted and at least three others have pending criminal charges against them. In the short term, the convicted MPs will keep their seats while their appeals are pending but will lose them if the convictions are upheld by the appellate courts.

COMMENT

¶9. (SBU) The ongoing crackdown on MDC MPs by ZANU-PF-aligned police and the AG demonstrates the continued fragility of the inclusive government and the MDC's parliamentary majority. In a meeting on June 23, the MDC referred Mudiwa's arrest to SADC, but that referral is unlikely to result in any action in the immediate future. END COMMENT.

MC GEE